IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN. APPLICATION NO.367 OF 2003

Inarco Company Ltd. ... Applicant

versus

Nandkumar Sharad Durve & anr. ... Respondents

...

Mr.S.M. Oak, for the Applicant.

Mr.D.R. More, A.P.P., for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

1st March 2005

P.C.:

. Heard Mr. Oak for the Petitioner. The Court below has positively recorded as of fact as can be discerned from para 14 of the judgment that no evidence has been adduced to show as to how the accused had caused wrongful loss to the company and wrongful gain to himself. If there is absolutely no evidence in that behalf, no fault can be found with the Court below in

recording acquittal as that being one of the vital ingredient to make out offence under section 408 of the Indian Penal Code. Mr. Oak fairly accepts that there is nothing in the entire evidence to contradict the statement of fact recorded by the lower Court in para 14. Viewed in this perspective, all other contentions will be of no avail to the Petitioner. Not a case for interference. Hence, dismissed.

(A.M.KHANWILKAR,J.)